

REMARKS

Applicants thank the Examiner for taking time for a telephonic interview on November 5, 2010 concerning the outstanding rejections. This Reply incorporates the discussion in that interview.

The claims

Claim 103 is amended to address concerns raised by the Examiner. The amendment is supported throughout the specification, does not narrow the scope of the claim, and does not add new matter. Claims 103-105 and 112 are currently under consideration.

Rejection of claims 105 and 112 under 35 USC 112, first paragraph (biological deposit)

In response to this rejection, Applicants attach herewith deposit receipts, and their English translations, for the two claimed hybridoma cell lines which produce monoclonal antibodies against native ovalbumin, PNOA1 (FERM BP-10265) and PNOA2 (FERM BP-10266). Applicants confirm that the deposits of these two cell lines satisfy the criteria set forth in 37 CFR 1.808. These deposits will be irrevocably and without restriction or condition released to the public upon issuance of a patent, and the cell lines will be replaced should they ever become non-viable. In view of this assurance, applicants request that the rejection with regard to the absence of the preceding statement be withdrawn.

Rejection of claim 103 under 35 USC 103, over Narita *et al.* in view of Kilshaw *et al.* and Mine *et al.*

The Examiner alleges in the Office Action of July 7, 2010 that "Notwithstanding applicants' assertions to the contrary, there is nothing found in the invention as instantly claimed which limits the first antibodies as bound to the same insolubilized carrier or the same area on a single carrier." Applicants maintain that the amendment of claim 103 that was filed in the Reply dated October 5, 2010 clarifies that an antibody specific for a native allergen and an antibody specific for a denatured allergen are bound to the same insolubilized carrier. Nevertheless, in an effort to expedite prosecution, claim 103 has been further amended to clarify that an antibody

specific for a native allergen and an antibody specific for a denatured allergen are bound to the same insolubilized carrier.

The Examiner further argues in the Office Action that the claimed method reads on an assay "on a single sample with separate solid phases, such as microtiter plates, having different antibodies thereon, or with a single solid phase with different antibodies in different discrete areas, such a different wells of a same microtiter plate." Applicants respectfully point out that in step (a) of the method of claim 103, "an immune complex" is prepared. The term "an immune complex" does not encompass immune complexes found in two different wells of a microtiter plate. Furthermore, in step (b) of the method of claim 103, a labeled immune complex is prepared, starting with the immune complex prepared in step (a). Again, this step of the claimed method does not read on labeled immune complexes found in different wells of a microtiter plate, which would be different complexes.

Applicants respectfully request that the rejection be withdrawn.

In view of the preceding amendment and arguments, it is believed that the application is in condition for allowance, which action is respectfully requested.

Should any additional fee be deemed due, please charge such fee to our Deposit Account No. 22-0261, referencing docket number 31671-235624 and advise us accordingly.

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Respectfully submitted,

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